



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

June 3, 2022

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510

The Honorable Roy Blunt
Ranking Member
Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510

Dear Chairwoman Klobuchar and Ranking Member Blunt:

Thank you for your letter dated May 5, 2022, regarding the physical security of election workers across the United States. We have been closely following this critical issue and welcome the General Accountability Office's (GAO) recent decision. Please be assured that we recognize the urgency of this matter given the upcoming 2022 general election and have updated our guidance on the use of these funds accordingly. We cannot tolerate any intimidation directed at the nation's election officials and must work together to overcome this threat to our democratic process.

In December of 2021, the Election Assistance Commission (EAC) requested clarification from the GAO on the use of Help America Vote Act (HAVA) funds for physical security services and social media threat monitoring. As you note, the GAO's decision on April 27, 2022, finds that it is within the EAC's discretion, so long as it is consistent with existing laws, to use HAVA Section 101 funds for that purpose. In accordance with standard EAC procedures, the Commission reviewed the original request from the state of Colorado and, on May 28, 2022, voted 4-0 to approve Funding Decision 22-01, which determined that the use of these funds is permissible as an activity under Section 101 of HAVA, subject to specific parameters addressed in [accompanying EAC guidance](#).

We have thoroughly reviewed the GAO's opinion and issued the accompanying guidance for states' use of HAVA funds for security services. The material outlines the recent decision and provides guidance to states on how to assess allowable costs and provide technical parameters for grant administrators to evaluate expenditures. We distributed this guidance directly to state grant recipients and [published the guidance on our website](#).

Additionally, we plan to conduct targeted outreach about using HAVA funds for physical security needs through the EAC's Standards Board, Board of Advisors, and new Local

Leadership Council. In the meantime, we stand ready to answer questions and will work closely with the states to field HAVA spending requests.

Please note that although the GAO determination provides clarity on the authority of the EAC to consider use of HAVA grant funds for this purpose, there are additional principles that must be evaluated on a case-by-case basis under 2 C.F.R. 200. As with other costs, expenditures must pass certain criteria to be allowable, allocable, necessary, and reasonable. The EAC's accompanying guidance thoroughly addresses these matters as well.

To provide additional context on election safeguards, the EAC has consistently encouraged the use of HAVA funds to bolster security. Over the past three years, states have used HAVA funds for cameras, alarms, locks, and other security measures necessary for the protection of election offices and election equipment. Our guidance on these measures can be found on the EAC's comprehensive election security grants webpage.

In addition, the EAC maintains a webpage devoted to [election official security](#) and offers resources to address safety concerns. Leading up to November, we plan to issue more products and services related to personal security of officials through the agency's Clearinghouse division.

We greatly appreciate the election security funding appropriated by Congress in Fiscal Years 2018, 2020, and 2022. The EAC works closely with states to ensure their careful stewardship and efficient expenditure of these funds. As states prepare for this fall's general election, these funds are critical to secure our elections and combat serious threats.

We look forward to our continued work together and thank you for your vital efforts in protecting the nation's dedicated election officials and public servants. Please do not hesitate to contact us if we can respond to any additional questions or concerns regarding these matters.

Sincerely,



Thomas Hicks
Chairman



Christy McCormick
Vice Chair



Ben Hovland
Commissioner



Donald Palmer
Commissioner